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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,308

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Corrado Barani

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EXAMINER

PRINCE, FRED G

ART UNIT

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1797

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,308	<b>Applicant(s)</b> BARANI, CORRADO	
	<b>Examiner</b> Fred Prince	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by PeKarna et al. (US 5,194,230).

PeKarna et al. teach a device (30) for dissolving a solid chemical substance with water so as to obtain an aqueous solution; the device comprising: a container (32), which has a collecting portion (41) for containing the aqueous solution, and a loading chamber (39), which is set above the collecting portion, is designed to contain the solid chemical substance and is provided with supporting means (10, 14, 46) including lateral containment means (18, 24), designed to support the solid chemical substance, and water-dispersion means (48) for directing at least one first jet of water on said solid chemical substance; wherein the water-dispersion means are arranged within the loading chamber above the supporting means and are designed to direct the first jet of water in at least one of laterally and downwards so as to wet the solid chemical substance (Fig. 6), which is positioned underneath and/or laterally with respect to the water-dispersion means themselves; the loading chamber having a dissolving portion where, in use, the solid chemical substance is dissolved by the first jet of water (col. 5, lines 19-23), and a storage portion (56), which is set above the dissolving portion and is

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designed to contain the solid chemical substance above the dissolving portion itself; the dissolving portion having a top end; the water-dispersion means being arranged in the loading chamber at the top end of the dissolving portion.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over PeKarna et al. in view of Kemper (US 4,094,789).

The device of PeKarna et al. is described above. PeKarna et al. do not disclose lateral-containment means permeable to liquids.

In any case, Kemper discloses lateral-containment means (62, 64) permeable to liquids in order to, for example, keep chemicals a dissolution zone while facilitating flow through the zone. Accordingly, it would have been readily obvious for the skilled artisan to modify the device of PeKarna et al. such that it includes lateral-containment means (62, 64) permeable to liquids in order to, for example, keep chemicals a dissolution zone while facilitating flow through the zone.

Claims 6-7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over PeKarna et al. ('230) in view of Scheimann et al. (US Pat No 5,253,937).

The device of PeKarna et al. is described above. PeKarna et al. do not disclose a mixer comprising at least a second jet or water.

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Scheimann et al. disclose providing a device with a jet (31) in order to, for example, provide enhanced mixing and prevent sediment build-up.

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of PeKarna et al. such that it includes the well known concept of providing the device with a jet in order to, for example, provide enhanced mixing and prevent sediment build-up.

Per claim 18, PeKarna et al. do not disclose an overflow tube above a collection portion. Scheimann et al. disclose providing a device with an overflow pipe (52, 58) in order to, for example, bypass an obstructed outlet.

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of PeKarna et al. such that it includes an overflow pipe (52, 58) in order to, for example, bypass an obstructed outlet.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over PeKarna et al. ('230) in view of Scheimann et al. ('937) as applied above, and further in view of Mollring (US Pat No 3,160,352).

PeKarna et al., as modified by Scheimann et al., is described above. PeKarna et al. do not disclose utilizing a mechanical stirrer as a mixer.

In any case, Mollring disclose the well known concept of utilizing a mechanical stirrer (50, 53) in order to, for example, promote the suspension or dissolution of material.

Accordingly, it would have been readily obvious for the skilled artisan to modify the

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device of PeKarna et al., as modified by Scheimann et al., such that it includes a mechanical stirrer (50, 53) in order to, for example, promote the suspension or dissolution of material.

Claims 9-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over PeKarna et al. ('230) in view of Copeland (US 5,137,694).

The device of PeKarna et al. is described above. PeKarna et al. also disclose drainage means (60). PeKarna et al. do not disclose a control unit for actuating drainage means, the recited concentration-sensing means and level-detection means.

In any case, Copeland et al. disclose the well known concepts of utilizing a control unit (50; col. 10, lines 49-55) to actuate draining means, a level-detection means (33; 34; col. 9, lines 23-40) and first and second concentration detection means (41a, 41b) in order to, for example, avoid overflowing liquid in the device and avoid supersaturating the liquid with chemical being dissolved solvent. Accordingly, it would have been readily obvious for the skilled artisan to modify the device of PeKarna et al. such that it includes a control unit to actuate draining means, a level-detection means and first and second concentration detection means in order to, for example, avoid overflowing liquid in the device and avoid supersaturating the liquid with chemical being dissolved solvent, as suggested by Copeland.

Regarding the drainage means being designed to supply a swimming pool, it is submitted that the recitation is one of intended use that fails to add structure to the device. If it is applicant's position that the limitation somehow adds structure to the claimed device, it is submitted that the drainage means of PeKarna et al., as modified

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by Copeland, is capable of supplying the aqueous solution to a swimming pool.

Accordingly, while the limitation has been considered, it is not persuasive of patentability.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over PeKarna et al. ('230) in view of Benham (US 6,902, 668) or Agosta (US 6,701,953).

The device of PeKarna et al. is described above. PeKarna et al. do not disclose an air release valve for releasing gases.

In any event, Benham discloses providing a device with an air release valve (29) in order, for example, to avoid any excessive pressure build up in a dispenser (30) and Agosta discloses providing a device with an air release valve (32) in order, for example, to avoid any excessive pressure build up in a dispenser (12).

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of PeKarna et al. such that it includes an air release valve in order, for example, to avoid any excessive pressure build up in a dispenser, as suggested by either Benham or Agosta.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claim 14 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The claim is allowed for the reasons previously provided by the examiner.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571)272-1165. The examiner can normally be reached on M-Th 8:00-5:30; Alt. Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571)272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Prince/  
Primary Examiner  
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FGP  
5/11/09